

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

GOVERNMENT'S MOTION TO STAY PROCEEDINGS

Comes now the United States of America, by and through its attorneys, Catherine L. Hanaway, United States Attorney for the Eastern District of Missouri, and Zia M. Faruqui, Assistant United States Attorney for said district, and respectfully moves the court for entry of an order staying the proceedings in this action, pursuant to Title 21, United States Code, Section 881(i) and Title 18, United States Code, Section 981(g)(1), as follows:

1. On November 3, 2008, the United States of America filed a Complaint for Forfeiture regarding the defendant property.
2. On January 15, 2009, the claimant Gerald Dragich, was indicted in cause number 4:09CR32 RWS on the charge of conspiracy to distribute in excess of 1,000 kilograms of a mixture or substance containing a detectable amount of marijuana in violation of Title 21, United States Code, Section 841(a). Count XII of the indictment also sought criminal forfeiture of the defendant property in violation of Title 21, United States Code, Section 853. This property is the exact same property against which the government seeks to forfeit in the instant case.

3. The criminal case now pending involves the same facts as the instant case and will resolve all the issues in the instant case.

4. Additionally, because of the discovery requirements in the instant case, civil discovery will adversely affect the ability of the Government to conduct its criminal case.

WHEREFORE, the Government moves the Court for an order staying the civil proceedings in the above-styled cause pursuant to Title 21, United States Code, Section 881(i) and Title 18, United States Code, Section 981(g)(1), until the disposition of United States v. Edward John Boroughf, et al., 4:09CR32 RWS.

Respectfully submitted,

CATHERINE L. HANAWAY
United States Attorney

/s/ Zia M. Faruqui

ZIA M. FARUQUI, 5203656
Assistant United States Attorney
111 South Tenth Street, 20th Floor
St. Louis, Missouri 63102
(314) 539-2200

CERTIFICATE OF SERVICE

I hereby certify that on February 3, 2009, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the following:

Kathryn Croce
120 S. Central, Suite 130
St. Louis, MO 63105

/s/ Zia M. Faruqui
ZIA M. FARUQUI, 5203656